IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6534 of 2005

Between:

Dr.S.R.J.Degree College, rep., by its Secretary & Correspondent
S.Radhakrishnaiah, s/o Subba Rayudu,
Atmakur, Nellore District-524 322.

..... PETITIONER

AND

1 The A.P.State Council for Higher Education, rep., by its Secretary, Post Box No.34, Saifabad, Hyderabad.

2 The Government of Andhra Pradesh, rep., by Prl. Secretary to Government, Higher Education Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature writ of mandamus declaring the Notification dt.24-11-2004 issued by the 1st respondent published in Eenadu Telugu Daily on 25-11-2004 in so far as it relates to Nellore District inviting applications for establishment of new Degree Colleges is arbitrary, illegal and contrary to the provisions of the A.P. Education Act, 1982 and consequentially to direct the respondents not to permit establishment of any new Degree Colleges in Nellore District in particular at Atmakur for the academic year 2005-2006 and to pass such other order or orders.

Counsel for the Petitioner: MR.M.SUDHIR KUMAR

Counsel for the Respondent No.1: Mr. SUDESH ANAND.

Counsel for the Respondent No.2: GP FOR HIGHER EDUCATION

This Court at the admission stage made the following :

O R D E R:

The petitioner seeks a declaration that the notification, dated 24-11-2004 issued by the first respondent is arbitrary, illegal and contrary to the provisions of the Andhra Pradesh Education Act, 1982.

The petitioner who claims to be a recognised Degree College being run in Nellore District filed this writ petition aggrieved by the notification, dated 24-11-2004, issued by the first respondent inviting applications from the Registered Educational Societies / Colleges for starting new Private Unaided Degree Colleges during the academic year 2005-2006. The petitioner states that the colleges already established in Nellore District are catering to the needs of the student community and there is no need for establishing any other Degree College at present. It is contended that the first respondent, while issuing the impugned notification, failed to consider the above aspects and granting permission for establishment of new colleges in Nellore District would result in unhealthy competition among the institutions. The committee, which was appointed by Sri Venkateswara University to verify about the need for starting New Degree Colleges based on the statistics of the Junior and Degree Colleges in S.V. University area for the year 2004-2005, submitted its recommendations stating that there is no need for granting any new degree colleges in Nellore District. It is alleged that the respondents

failed to consider the said recommendations and have been taking further steps in pursuance of the impugned notification. Hence, this writ petition.

The petitioner also states that a detailed representation dated 22-02-2005 has been submitted to the first respondent raising objections against grant of permission for staring new degree colleges in Nellore District. However, the said objections have not been considered so far.

Since the detailed representation submitted by the petitioner raising objections against the establishment of new degree colleges in Nellore District in pursuance of the impugned notification is pending before the respondents, it is not necessary for this Court to go into the merits of the case, but it would be appropriate to dispose of the writ petition directing the respondents to consider the said representation dated 22-02-2005 submitted by the petitioner, before taking any decision for grant of permission to new colleges.

The Writ Petition is accordingly disposed of with a direction to the respondents to consider the objections raised by the petitioner in its representation dated 22-02-2005 before taking any decision for grant of permission to new colleges in Nellore District based on the impugned notification dated 24-11-2004. No costs.

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(G. ROHINI, J)

Date:28-03-2005

ghn

To

1 The Secretary, A.P.State Council for Higher Education, Post Box No.34, Saifabad, Hyderabad.

2 The Prl. Secretary to Government, Government of A.P., Higher Education

Department, Secretariat, Hyderabad.

3 Two CCs to the Government Pleader for High Education, High Court of A.P., Hyderabad. (O.U.T.).

4 Two CD copies.

5 One C.C to Mr.C.Sudesh Anand, Advocate.